

AMENDED IN ASSEMBLY MAY 6, 2002

AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## ASSEMBLY BILL

**No. 2176**

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**Introduced by Assembly Member Hollingsworth**

February 20, 2002

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An act to amend Section 49073.5 of the Education Code, relating to pupil records.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2176, as amended, Hollingsworth. Pupil records: access to directory information.

Existing law sets forth the intent of the Legislature that school district policies regarding the release of pupil directory information not purposefully exclude any military services representative from access to that information.

This bill, in addition, would require school districts to adopt a policy in which access to pupils for recruitment purposes is not denied or unreasonably limited ~~and would authorize imposition of related civil penalties~~, thereby imposing a state-mandated local program. *The bill would also authorize the imposition of civil penalties for violation of this requirement.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide

and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 49073.5 of the Education Code is  
2 amended to read:

3 49073.5. (a) (1) A school district, in adopting a policy  
4 pursuant to Section 49073 governing the release of pupil directory  
5 information, shall not purposefully exclude any military services  
6 representative from access to that information and shall adopt a  
7 policy that access to pupils for recruitment purposes by military  
8 services representatives shall not be denied or unreasonably  
9 limited.

10 ~~(2) Any court of competent jurisdiction may impose upon any~~  
11 ~~school district that violates this subdivision a civil penalty of five~~  
12 ~~thousand dollars (\$5,000) per day for each violation until brought~~  
13 ~~into compliance. Moneys collected pursuant to this subdivision~~

14 (2) *The Secretary of Defense shall notify the Governor if a*  
15 *school district is in violation of paragraph (1). A school district*  
16 *that violates this subdivision may be assessed a civil penalty of up*  
17 *to two thousand five hundred dollars (\$2,500) per day for each*  
18 *violation until brought into compliance. The Governor, the*  
19 *Attorney General, or any resident of the state shall have standing*  
20 *to bring suit on a violation of this subdivision in any court of*  
21 *competent jurisdiction. Money collected pursuant to this*  
22 *subdivision shall be divided evenly among each Reserve Officers's*  
23 *Training Corps program within the school district found in*  
24 *violation of this subdivision.*

25 (b) It is further the intent of the Legislature, in the interest of  
26 pupil confidentiality, that school districts minimize the release of  
27 pupil telephone numbers in the absence of express parental  
28 consent. The Legislature finds and declares that the nondisclosure  
29 of pupil telephone numbers will reduce the possibility of

1 harassment of pupils and their families by organizations that  
2 receive pupil directory information.

3 SEC. 2. Notwithstanding Section 17610 of the Government  
4 Code, if the Commission on State Mandates determines that this  
5 act contains costs mandated by the state, reimbursement to local  
6 agencies and school districts for those costs shall be made pursuant  
7 to Part 7 (commencing with Section 17500) of Division 4 of Title  
8 2 of the Government Code. If the statewide cost of the claim for  
9 reimbursement does not exceed one million dollars (\$1,000,000),  
10 reimbursement shall be made from the State Mandates Claims  
11 Fund.

